

ALEXIS BAUTISTA  
1409 Saint Kitts Lane  
Foster City, CA 94404  
(831) 703-4146

Plaintiff "Pro Se"

**RECEIVED**

JUN 10 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

\* \* \* \* \*

ALEXIS BAUTISTA, an individual

Plaintiff,

vs.

CITY AND COUNTY OF SAN  
FRANCISCO, SAN FRANCISCO  
POLICE DEPARTMENT, SAN  
FRANCISCO POLICE OFFICER  
WILLIAMS, SAN FRANCISCO  
POLICE SERGEANT ESPINOZA,  
SAN FRANCISCO POLICE  
OFFICER LUN, DOES  
THROUGH 20, Inclusive,

Defendants.

Case No.: ~~CP~~<sup>V</sup>7-5434CW

**PLAINTIFF'S MOTION FOR AN  
ENLARGEMENT OF TIME TO  
TO PROCURE NEW COUNSEL -  
1st Request**

COMES NOW, Plaintiff, ALEXIS BAUTISTA, Pro Se, who files this motion for an  
enlargement of time pursuant to F.R.Civ.P. - Rule 6(b) in order to obtain necessary and needed  
time in order to find replacement counsel for this matter. With respect to this matter, Plaintiff  
submits the following:

1. As the court is aware, the court has allowed Plaintiff's Counsel, NORMAN  
NEWHOUSE, to withdraw as counsel of record in this matter with its order of May 1, 2008. It  
should be noted for the record that all is not correct with respect to facts and particulars that are  
to be found in former counsel's Motion to Withdraw as Affiant was **not** informed until after the  
fact that said counsel, NORMAN NEWHOUSE, filed their motion to withdraw and that the  
court had granted same. It is true that as with the filing of this motion that Plaintiff has not been

1 able to comply with the discovery requests or orders in this matter. Plaintiff's former counsel  
2 time and time again with respect to this matter would not understand that Plaintiff is a young  
3 adult that has both a full-time college and work schedule that needed to be coordinated with.  
4 Plaintiff attends the Academy of Art in San Francisco, works for the National Automobile Club  
5 in Foster City and commutes from home in Boulder Creek. Accordingly, in order to do effective  
6 discovery on both sides, would not reasonable accommodations have needed to be made. This  
7 but this is part of the problem that existed with former counsel and caused delay, but does this  
8 rise to the differences as stated by former counsel, Plaintiff thinks not. However, for the delay  
9 that has occurred, Plaintiff apologizes to both the Court and the Defense. Further, because of  
10 the situation that Plaintiff is currently in, this motion is needed as Defense Counsel, SCOTT  
11 WEINER, ESQ. has intimated the fact that they are considering whether to file a Motion to  
12 Dismiss for Failure to Prosecute in this matter. That is just not the case in this matter.

13 2. That this is Plaintiff's first request of this nature plus, as the court is aware, a hearing  
14 is calendared for June 24, 2008 at 2pm and there is no way that Plaintiff can be prepared to do  
15 this matter alone. Plaintiff is not trained nor schooled in the law and this complex matter is one  
16 where Plaintiff needs have representation. Plaintiff is trying to secure other representation but it  
17 must be pointed out that Defense Counsel will not agree to a time frame that is reasonable and  
18 by that, Plaintiff means having the time to actually meet with new potential counsel(s) and have  
19 them review all in this matter to determine if they will take the case. Please also note that  
20 Plaintiff has met with a JOHN L. BURRIS, ESQ. to see if they would substitute in and that  
21 counsel involved with Plaintiff's parents has spoken with Defense counsel in this matter. At this  
22 juncture, no alternate counsel has stepped to the plate to help in this matter. Accordingly,  
23 Plaintiff requests at least a ninety (90) to one hundred and twenty (120) day enlargement of time  
24 or set aside in this matter in order to find and have new counsel to substitute in by filing the  
25 appropriate Notice and Motion to appear.

26 3. Affiant would request that the enlargement of time in this matter if granted to start  
27 tolling with the date that the current hearing is calendared on. This would hopefully mean that

1 the matter that was to be heard on 6/24/08 would now be heard on **10/21/08** and that any  
2 discovery requests or other motions would be stayed until on or after that date.

3 4. This is Plaintiff's **First Request** for this specific instance at this juncture in time. **NO**  
4 further requests are foreseen. Further, that this motion is made in good faith and not for the  
5 purposes of undue delay. Also, that this motion is based upon the attached and incorporated  
6 affidavits hereto.

7 Respectfully submitted this 10~~th~~ day of June, 2008.

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10 **ALEXIS BAUTISTA**  
Plaintiff "Pro Se"

11 1409 Saint Kitts Lane  
12 Foster City, CA 94404  
13 (831) 703-4146  
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AFFIDAVIT FOR ENLARGEMENT OF TIME - 1st Request

STATE OF CALIFORNIA )  
MATEO ) ss:  
COUNTY OF SAN FRANCISCO )

I, ALEXIS BAUTISTA, being first duly sworn upon Oath, deposes and says:

1. That I am the Plaintiff in the attached cause, and the affiant herein, and make this affidavit from personal knowledge, and am competent to testify to the facts herein.

2. That Affiant makes this request due to the fact of their counsel withdrawing from this complaint and that Plaintiff deeply needs additional time within which to find and procure new counsel that will substitute in for this matter.

3. For the record, it should be noted that all is not correct with respect to facts and particulars found in the Motion to Withdraw filed by Affiant's former Counsel that this court did grant. Affiant was **not** informed until after the fact that their counsel, NORMAL NEWHOUSE, ESQ., filed their motion to withdraw. Affiant at all times wants and needs representation, but with what has happened, Affiant needs a block of time that reason in order to facilitate this to happen.

4. That this is Affiant's first request of this matter for this matter and as the court is aware, a hearing is calendared for June 24, 2008 at 2pm and there is no way that Affiant can be prepared to do this matter alone. Affiant is not trained nor schooled in the law and this complex matter is one where Affiant needs have representation. Affiant requests at least a ninety (90) to one hundred and twenty (120) day enlargement of time in order to find and have new counsel substitute in by filing the appropriate Notice and Motion to appear.

5. Affiant would requests that the enlargement of time in this matter if granted to start tolling with the date that the current hearing is calendared on. This would hopefully mean that the matter that was to be heard on 6/24/08 would now be heard on **10/21/08** and that any

1 discovery requests would be stayed until after that date.

2 6. This is technically Affiant's **First Request** for this specific instance at this juncture in  
3 time. **NO** further requests are foreseen and Affiant comes in good faith and not for the purposes  
4 of undue delay.

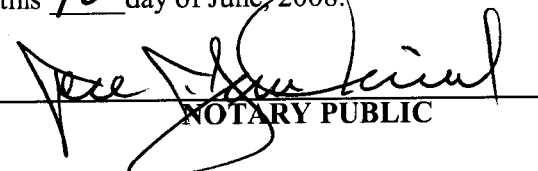
5 7. Affiant truly apologizes for any inconvenience.

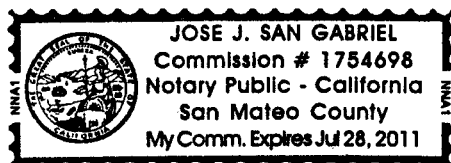
6 Further your affiant sayeth naught!

7  
8   
9 **ALEXIS BAUTISTA**  
Affiant

10 1409 Saint Kitts Lane  
11 Foster City, CA 94404

12  
13 **SUBSCRIBED and SWORN** to before me on  
14 this 10<sup>th</sup> day of June, 2008.

15   
16 **NOTARY PUBLIC**



20 **IT IS SO ORDERED:**

21 \_\_\_\_\_  
22 **DISTRICT JUDGE**

23  
24 **DATED:** \_\_\_\_\_  
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